App. F. IX-4

1927. (Courts

File No. 293-27

Serial Nos. 1

Previous References
153-1346/1-2
154-2465/1-2
155-2431/1-4

Later References
65 100-28, 24-35, 36.
65 121-25, 1-4

PRESERVED

General and Revenue Secretariat.

Serial Nos. one

Part B for July 1928.

SUBJECT

Revising the Jurisdiction of certain Magistrates' and Municipal Courts as suggested at the last Session of the Legislative Council.

21/P&S 28

REPLY

(To be written on this margin.)

OFFICE OF THE THIRD MEMBER OF COUNCIL.

NOTE

Dated.....30th June,.....1928.

(1) Certain inconveniences in regard to the jurisdiction of Munsiffs Courts and suggestions as regards changing the jurisdiction of certain Magistrates' Courts (e.g., French Rocks to be reduced to second class, Mandya to be raised to first class) were made at the last meeting of the Legislative Council. I should like to see the report of the speeches as soon as it is ready with a view to the Chief Court being consulted, if necessary.

Law Secretary
with compliments.

2) Please put up the speeches referred to above. 2/7/28

Reporting Section) 3) A full report is put up. (The speeches have not yet been appd by the members concerned.) 3/7.

Secn) 3rd them 4) 3/7 5) 4-7

(2)

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189/597

6) Will you please note down the redistributions as suggested in the Speaker's D.O. 577

Courts.	Present jurisdiction.	Proposed jurisdiction.
Munsiffs Court, Hunsur.	Hunsur, Krishnarajanagara & Yedatore Hlks.	Courts to be confined to Yedatore (new one) & Krishnarajanagara Taluks, pecuniary jurisdiction of said Munsiffs Court, Hunsur.
2nd Munsiffs Court, Nagasen.	T-Narsipur Hlk, Kollegala (Hobli), & portions of Krishnarajanagara Hlks.	
Spl-1st-Cl-Munsiffs Court, for Rocks.	2nd & 3rd class cases of T-Narsipur & Krishnarajanagara Hlks & 1st-Cl-cases of Nanjangud, Nagamangala & Krishnarajapet.	Jobs combined into a 2nd-Cl-Court (without pecuniary limits over the 1st-Class cases of the three Taluks)
Spl-2nd-Class Munsiff Ct, Nanjangud.	2nd & 3rd class cases of Nanjangud, Malvalli and Nagamangala Hlks.	Jobs combined into a 1st-Cl-Court.
Spl-1st-Cl-Munsiffs Court, Nagasen.	All cases of T-Narsipur Hlk — 1st-Cl-cases of Hunsur, Yedatore, Krishnarajanagara, Malvalli & S'patam Taluks.	Substitute Krishnarajapet for Malvalli.

7) According to Dy. Commr's speech, as reported, jurisdiction over 1st-Cl-Cases of Nagamangala, Nanjangud & Malvalli is to be transferred to an Honorary 1st-Cl Munsiffs Court. But these are the Talukas within the jurisdiction of the Nanjangud Munsiffs Court which is to be converted into a 1st-Cl-Court.

8) The foregoing is the redistribution

NOTE—Contn. Sheet if necessary.

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of jurisdn. suggested by Mr H.E. Deshpande. Other suggestions made in the course of the debate on this subject were that the Civil jurisdn. over Devanhalli and Nelamangala Talukas from the Munsiffs' Courts, Doddaballapur & Magadi should be transferred the Munsiffs Courts at Chikballapur & Bangalore respectively and that Magadi Taluk might be taken out of the jurisdn. of the Munsiffs' Court at Closepet and brought under the jurisdn. of one of the Munsiffs' Courts at Bangalore.

Secy) 11/7

9) Put up all previous references in this connection

do 11.7

10) Re: The jurisdiction of Special Magistrates Courts in the Mysore Dt. vide Notifn no. P 2691/ECB 98.25-5 dt 28/11/25 — Also The jurisdiction of Civil Courts vide 200-26-18 Instns for refce (Flags A & X).

5 17/7

X Flag M. Page 15.

1054 25/7

11) Also copy of report received from the Chief Judge (Flag W) Instns for reference Asst.

12) " 17/7

Supt. 13) Please bring sheet. thro' A 17/7 Secy) 18/7

do 19.7

14) It may be desirable to consult the Chief Court on the suggestions made by the members 3rd item

do 20/7

NOTE—Copies.

WD 0324—GPB—60,000—24-5-27

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1 The suggestions of the members may be communicated to the Chief Court for consideration by 26/7/28

1. To the Regn Chief Court vide No 709 D 28.7.28. Rd for consideration of the Chief Court the suggestions for revising the jurisdiction of certain Magistrates & Munsiffs Courts, made at the last session of the Legis Council.

File no given.
26/7/28.

NOTE.—Contn. sheet.

Cut Motion No.132.
Movem.- Messrs.
H.C.Dasappa and B.
Deva Gowda.

MR.H.C.DASAPPA.- I beg to move that the demand be reduced by Rs.100. My object in moving this cut motion is to bring to notice certain complaints with regard to the location of courts. I do not know whether the Government are in possession of the complaints that have been made from time to time with regard to the situation of some of the Civil and Criminal Courts. I would be quite satisfied if what I am going to submit is considered by the Government sympathetically.

First of all, about the Munsiff's Court at Hunsur. No doubt, it was located there as a tentative measure, but the difficulty with Hunsur is that there is no accommodation whatever for lawyers and their clerks, and its health is not by any means so good. There is a good deal of malaria there. That is a matter which Government may be pleased to have in their view and investigate.

MR.K.MATTHAN (Third Member of Council).- You want it to be shifted elsewhere?

MR.H.C.DASAPPA.- Yes, either to Yedatore, preferably, or back to Mysore. Yedatore would only be an improvement, after the new town comes and in case the jurisdiction over Heggaddevankote Taluk is re-transferred to Mysore. It would be too great a distance between Heggaddevankote and Yedatore. Yedatore jurisdiction, though heavy in itself, must include Hunsur also, ~~between which~~ though there is no proper communication between the two places. Then, Heggaddevankote may have to be transferred to the Second

Munsiff's Court at Mysore, which has very little ~~xxxxx~~ work. Of course they have now added on to this court one hobli in the Nanjangud Taluk - which is not more than 4 or 5 miles from Nanjangud itself. They have done so because the jurisdiction of the Nanjangud court is heavy.

My other suggestion is that the Special First-Class Court in French Rocks is quite an unnecessary court, and it could very well be converted into a Second Class Court. The Second Class Court in Mandya may be constituted into a First Class Court because the jurisdiction there is very heavy. The civil jurisdiction of the Munsiff's Court at Mandya is composed of three big taluks - Nagamangala, Mandya and Malvalli. If ~~thm~~ a Special First Class Court is located there, it would be quite convenient, instead of asking the litigant public to go so far as French Rocks. If first-class cases of the present Special Magistrate's Court at French Rocks are to be transferred to the Special First Class Court in Mysore, it would not only give more work to the Mysore Special First Class Court, which is not having sufficient work now, but also would avoid the difficulties of the people of the three Taluks of Nagamangala, Mandya and Malvalli to go to French Rocks. For them, Mysore and French Rocks is all the same. This is a matter worth the investigation of the Government.

MR.CHANNAPPA.- I want to draw the attention of the Government to the fact that the jurisdiction over the Devanhalli Taluk is given away to the Dodballapur Munsiff's Court. Some parts of the Devanhalli Taluk are far away - as far as 50 miles - from Dodballapur, and there is no direct connection either by rail or by road between Dodballapur and Devanhalli. If Devanhalli people want to go to Dodballapur they must come to Bangalore and change there because there is no direct connection. This is causing great inconvenience and loss to the people. So also the case of the Magadi Taluk, jurisdiction over which has been given to the Closepet Munsiff's Court; this is causing great inconvenience and loss to the people of the Magadi Taluk.

The additional Court established at Davangere now has no Judge at all. He has been transferred to the Original Court and the Government are incurring a loss by paying the extra staff. The people are also put to great inconvenience and loss on account of this.

I may also bring to the notice of the Government the heavy congestion in all District Courts, and especially in the Bangalore District. There is also congestion in the Bangalore Sub-Court.

I request that all these matters be looked o by the Government.

MR.D.V.GUNDAPPA.- In the Government Reviews of the Administration of Civil and Criminal Justice last year, I find it admitted that there has been notable delay in the courts, about which complaint could be just. On the other hand, we are hearing that in certain courts, particularly the courts of Special Magistrates, they are not doing work prpperly. It seems to me very just that a re-distribution of the courts is very urgently called for. We have a sufficient number of Munsiffs and Magistrates but they are not properly distributed over the country.

Another point which I should like to bring to the notice of the Government is one in mentioning which I feel some misgiving. In the papers I have been reading, now and then, about altercations between the Munsiffs and Magistrates on the one side and members of the Bar on the other. I think there is nothing very serious about these altercations, but I think that the trouble is due to a little want of courtesy and want of consideration on the part of either the one side or the other. The fault may be on both sides. In such a matter, I think, it would not be improper for the Chief Court just to send round a circular saying that a little more consideration and courtesy on the part of both the limbs of Law will be very helpful to public business.....

MR.H.C.DASAPPA.- May I rise to a point of order, sir? I do not think there is any very serious complaint on either side about that.

MR. N.G.SANJEEVIAH.- I also beg to bring to notice the great inconvenience that people of the Devanhalli Taluk are experiencing in having to go to Doddballapur. It may be transferred either to Bangalore or Chikballapur; perhaps Chikballapur is better. The same difficulty is being experienced by people of Nelamangala also. It was more convenient to them when jurisdiction over that taluk had been given to the Bangalore Court. This may be done now also.

MR. B.K.GARUDACHAR.- The Government appointed the Laws' Delays Committee to discuss these matters and recommend suitable measures to the Government. The Committee sat for a year and a half. One of their recommendations was that one more Sub Court and one more Small Cause Court should be established at Bangalore, with a view to give some relief to the District Court. It has been several times urged both in this House and in the Representative Assembly that the work in the Bangalore District Court is very heavy, so much so that some cases are lying undisposed of for 5 or 6 years. Recently the number of land acquisition cases going up before that court are too many, compared to previous years; the same is the case in regard to Election Cases also. Even without these cases, the court could not cope with the work satisfactorily. So the litigant public must be given some relief. On account of these cases, why should the Bangalore Division people suffer? First Appeals are also entertained in this court. With all that no relief is given. The present District Judge sits for work from 11 a.m. to 5 p.m., without getting up even during the interval hour. With all that it has been very difficult for him to cope with the work. I wish the Government will consider this matter in consultation with the Chief Court and give some relief to the Court as well as to the litigant public.

MR.D.V.GUNDAPPA.- I have read in the papers, and I can cite at least two instances which, I think, are before the Government now.

MRS.VENKATESAIYA.- Is the complaint confined to particular courts ar all over?

MR.D.V.GUNDAPPA.- Particular courts.

MR.S.VENKATESAIYA.- That is different from making a general imputation about the administration of law as a whole.

MR.D.V.GUNDAPPA.- I think I have been misunderstood that I am making a general imputation. I only refer to those cases with a view to bring them to the notice of the Government. After all, these are all matters of opinion.

MR.S.VENKATESAIYA.- But opinion must be based on facts.

MR.D.V.GUNDAPPA.- Of course; I am very glad to find lawyers so zealous about the reputation of their profession.

MR.H.C.DASAPPA.- The Judiciary is not represented here in this House, though lawyers are no doubt strongly represented. It would be as much our duty to defend ourselves as the Judiciary. I can say at once that there are not instances now and again coming up, as the hon'ble member put it; if anything, they are very rare.

MR.B.NAGAPPA (Legal Remembrancer).- May I say that the altercations are not amongst members of the Bar but that they are, if at all, between particular persons?

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MR.S.VENKATESAIYA.- I understood Mr. D.V.Gundappa as referring to some particular instances which he had in mind. I am not aware of what they are. With a view to avoid personal references he gave expression to his view in such a way as to give a false impression. Cases do occur of misbehaviour and excitements in certain courts ~~were~~ which are due to the members of the Bar or to the Judges or to the litigants. But generally, the behaviour both of the Bar and of the Judges throughout the Province as a whole has, I think, been always satisfactory and the relations also between them are always satisfactory. Particular cases have to be dealt with by the chiefs of the Judiciary and not by public agitation. I may say that that would affect the prestige of the courts.

MR.D.V.GUNDAPPA.- I am very glad to have these assurances from these very eminent members of the Bar.

Discussion on cut Motion re. Courts of Law.

~~(Mr. D.V. GUNDAPPA'S SPEECH contd).~~

My ~~The~~ next ~~instance~~ point is about the need for a certain organisation about the profession of her itself. I had the good fortune of questioning some young lawyers and I find here that the profession is getting over-crowded. I do not know if Government can do anything in this connection to relieve the congestion. But I dare say that the profession has got to look after itself. But they have been holding conferences ~~xxxxxxxxxxxxxxxx~~ year after year and passing resolutions and these are being sent up to Government and to the Chief Court for action. I do not know what action is being taken. I dare say my lawyer friends would have pressed the case with very much more eloquence and reason than I. I think Government should take a sympathetic interest in the profession of law and do whatever is possible to help the profession and possibly the juniors in the profession. I suggest that a very small committee might be instituted under the leadership of the learned Chief Judge or Government Advocate and see whether any action is possible. If no action is possible, we will not be the worse for it.

The next point is about the need for a separate building in Bangalore where all the courts of the city might be located. I plead for some structure

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similar to the High Court buildings i.e. adras, wherein chambers might be found for the lawyers where they could sit, receive their clients whenever they have no business to engage them in courts. At present we see that the lawyers have to take shelter under the shade of the trees in the District office compound. They have got to attend office both in the morning and evening for want of facilities to transact any business with the clients during the court hours. Thus they are not available for any public work. They cannot give us any part of their time and attention and I have heard it said that much of their time is wasted in the sheer act of having to wait in the courts. For these reasons, it is desirable to locate the Chief Court and the Subordinate courts together in one building, which should also give the lawyers their own chambers to receive their clients. I beg that these suggestions by an uninitiated layman may be valued for what they are worth.

The other cut motions having been withdrawn, the demand under 18 Courts of Law, etc. was put to vote and passed

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LOCAL AND LEGISLATIVE SECRETARIAT.

No. P. 2691—*Cts.* 98-25-5, *dated* 28*th November* 1925.

In modification of Notification No. P. 3588—Cts. 153-23-1, dated 5th January 1924, *re* the jurisdiction of Special Magistrates' Courts in the Mysore District, the Government of His Highness the Maharaja are pleased to direct as follows:—

(1) The Special First Grade Magistrate, Mysore, shall exercise jurisdiction in respect of all First Class cases arising in the Taluks of Hunsur, Yedatore, Heggaddevankote, Malvalli and Seringapatam and all classes of cases of T.-Narsipur Taluk except those taken cognizance of by the Bench Court. He will have the same appellate jurisdiction as he is at present exercising.

(2) The Special Second Grade Magistrate, French Rocks, shall exercise jurisdiction over all First Class cases arising within the Taluks of Mandya, Nagamangala and Krishnarajpete and the Second and Third Class cases arising in the Taluks of Seringapatam and Krishnarajpete except those taken cognizance of by the Bench Courts.

(3) The Special Third Grade Magistrate, Hunsur, shall exercise jurisdiction in respect of Second and Third Class cases arising in the Taluks of Hunsur, Heggaddevankote and Yedatore, excepting those within the cognizance of the Bench Courts.

By Order,
B. NAGAPPA,
Secretary to Government,
Local and Legislative Departments.

NOTE—Contn. Sheet.

WD 01714—GPB—30,000—18-4-28

A. P. F. VI. G1)

SUBJECT.....

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Diary No. of letter replied to.....

General and Revenue Secretariat

( )

the *192*

Date of issue..... 28/2/24

Signed by..... M. M.

List of enclosures.....

Copied by .....

Examined by .....

Section

File No. 43-27

Serial No. 1

No. 709 Emg

To The Regr, Ch. Ct.

Sir,

I am directed to communicate for the consideration of the Hon'ble Court the suggestions for vesting the jurisdiction of certain Magistrates' and Munsifs' Courts contained in the enclosed report of the speeches made at the last Session of the Leg. Council.

I have the honour to be,

Sir,

Your most obedient servant,

over

WD 0825—GPB—80,000—26-5-27